

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

GRUMA CORPORATION,

Plaintiff-Counterdefendant,

vs.

Civ. No. 97-822 WWD/RLP

GOLDEN EAGLE DISTRIBUTING, INC.,

Defendant-Counterclaimant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Defendant's Motion in Limine [docket no. 69] filed June 22, 1998. The motion seeks to exclude the following, to wit:

- (1) [A]ny hear-say testimony by Gruma Corporation's employees about what the employees of retail stores said regarding the adequacy of Golden Eagle Distributing's service to them.
- (2) [T]he store reports and other records prepared by Gruma Corporation's employees purporting to record what the employees of retail stores said regarding the adequacy of Golden Eagle Distributing's service to them.

If the retail store employees in question actually testify, I will admit reports generated by Gruma Corporation employees which tend to corroborate or address the matters raised in the retail store employee's testimony. Testimony by Gruma Corporation's employees about what the employees of retail stores said to them regarding the adequacy of Golden Eagle Distributing's service will be excluded.

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE